

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1640 OF 2016
IN
FIRST APPEAL (ST) NO. 2194 OF 2016

ALONGWITH
CIVIL APPLICATION NO. 1641 OF 2016
IN
FIRST APPEAL (ST) NO. 2194 OF 2016

Shriram General Insurance Company Ltd.Applicant
V/s.

Smt. Rupali wd/o. Mahesh Suryavanshi
& Ors.Respondents

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Mr. Nikhil Mehta i/by. KMC Legal Venture, Advocate for the applicant.

Coram :- Smt. R.P. SondurBaldota, J.

27th April, 2016.

P.C. :-

1). This application is for condonation of delay of 280 days in filing the appeal to challenge the judgment and order dated 31st January, 2015 by which the Labour Court awarded compensation under the Workmens Compensation Act. The appellant is an Insurance Company.

2). The explanation for the delay is set out at para-3 of the application. According to the applicant, after the judgment and award

was passed on 31st January, 2015 its Advocate on panel maintained by it applied for certified copy on 5th February, 2015. The same was kept ready by the office of the Labour Court on 7th February, 2015. However, the learned Advocate, did not collect it until 12th March, 2015. Apparently, after collecting, he kept the copy with himself until the first week of June, 2015. The applicant claims that, it received copy from the Advocate only on 11th June, 2015. After receipt of the certified copy, there was some mistake committed by the newly appointed Legal Manager of the appellant as regards the opinion for filing of the appeal. By the time that was resolved, it was the month of December, 2015. The applicant forwarded the papers concerning the appeal to the present Advocate in the first week of December, 2015. Then the arrangements for deposit of the decretal amount had to be made and the cheque for deposit was made available to the present Advocate only on 8th January, 2016. Thereafter, the present application was filed on 14th January, 2016.

3). Mr. Mehta, the learned Advocate appearing for the applicant submits that, the applicant has a good case on merit and therefore this is a fit case where the delay should be condoned. He also submits that, the Insurance Company has its internal procedure, which sometimes consumes time. In this case, particularly, the mistake committed by the newly appointed Legal Manager had essentially caused the delay.

4). There is no explanation offered anywhere in the application for delay in collection of the certified copy by the Advocate on panel of the applicant. It is not even the case of the applicant that, any action has been taken by it against the advocate for this negligence or lapse. Such inaction would indicate clearly, condoning the lapse on the part of the advocate. The lapse was not just in collecting the certified copy but also

forwarding it to the applicant. Same is the situation as regards the mistake of the Legal Manager. There is nothing to indicate as to why the same could not have been cleared up within time. As regards the internal procedure adopted by the applicant, the same has to fit into the prescribed period of limitation in filing the appeals to challenge the orders. There is no circumstance pleaded which was beyond the control of the applicant. There is no case made out by the applicant for condoning the delay. Hence, the Civil Application is dismissed.

5). In view of dismissal of the Civil Application, the First Appeal and the Civil Application for stay of the impugned judgment and order do not survive. The same are accordingly disposed off.

(SMT. R.P. SONDURBALDOTA, J)